

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

ELIJAH SHELTON,

Defendant(s).

Case No.2:24-CR-1 JCM (BNW)

ORDER

Presently before the court is Magistrate Judge Brenda Weksler's amended report and recommendation ("R&R"). (ECF No. 58).

After considering the parties' respective arguments and holding an evidentiary hearing on the matter (ECF No. 48), Judge Weksler recommends defendant Elijah Shelton's motion to dismiss be denied, his motion to suppress be granted in part,<sup>1</sup> and the government's motion to hold defendant's motion to dismiss in abeyance be denied as moot. (ECF No. 58).

No objections were filed to the R&R. Thus, the district court is not obligated to conduct a *de novo* review of the R&R. 28 U.S.C. § 636(b)(1) (requiring courts to "make a *de novo* determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("[T]he district judge must review the magistrate judge's findings and recommendations *de novo* if objection is made, but not otherwise.").

...

...

---

<sup>1</sup> Judge Weksler recommends that the evidence seized from defendant's car be excluded, not the evidence discovered in his apartment. (ECF No. 58 at 1).

1 Accordingly,


2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Weksler's amended  
3 R&R (ECF No. 58) be, and the same hereby is, ADOPTED, in full.

4 IT IS FURTHER ORDERED that defendant's motion to dismiss (ECF No. 28) be, and the  
5 same hereby is, DENIED.

6 IT IS FURTHER ORDERED that defendant's motion to suppress (ECF No. 29) be, and  
7 the same hereby is, GRANTED in part, and DENIED in part.

8 IT IS FURTHER ORDERED that the government's motion to hold defendant's motion to  
9 dismiss in abeyance (ECF No. 32) be, and the same hereby is, DENIED as moot.

10 DATED October 25, 2024.

11   
12 \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE